

PCTWORLD INTELLECTUAL PROPERTY ORGANIZATION
International Bureau

INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁶ : A61F 2/00, 2/02, C08G 69/14, 69/44		A1	(11) International Publication Number: WO 98/32398 (43) International Publication Date: 30 July 1998 (30.07.98)
(21) International Application Number: PCT/US98/01676 (22) International Filing Date: 27 January 1998 (27.01.98) (30) Priority Data: 60/036,536 28 January 1997 (28.01.97) US (71) Applicant: UNITED STATES SURGICAL CORPORATION [US/US]; 150 Glover Avenue, Norwalk, CT 06856 (US). (72) Inventors: ROBY, Mark, S.; 11 Grace Lane, Killingworth, CT 06419 (US). JIANG, Ying; 34 Grandview Terrace, North Haven, CT 06473 (US). ZHANG, Gary; 975 Littlemeadow Road, Guilford, CT 06437 (US). (74) Agents: BARRESE, Rocco, S. et al.; Dilworth & Barrese, 333 Earle Ovington Boulevard, Uniondale, NY 11553 (US).			(81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, GW, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG). Published <i>With international search report.</i>
(54) Title: POLYESTERAMIDE, ITS PREPARATION AND SURGICAL DEVICES FABRICATED THEREFROM			
(57) Abstract Degradable polyesteramide suitable for use in biomedical applications is obtained by reacting diamino alkyl ester with alpha hydroxy acid to form diamide-diol which is reacted with acyl halide or dicarboxylic acid to yield polyesteramide.			

BEST AVAILABLE COPY

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
AT	Austria	FR	France	LU	Luxembourg	SN	Senegal
AU	Australia	GA	Gabon	LV	Latvia	SZ	Swaziland
AZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
BB	Barbados	GH	Ghana	MG	Madagascar	TJ	Tajikistan
BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
BF	Burkina Faso	GR	Greece	ML	Mali	TR	Turkey
BG	Bulgaria	HU	Hungary	MN	Mongolia	TT	Trinidad and Tobago
BJ	Benin	IE	Ireland	MR	Mauritania	UA	Ukraine
BR	Brazil	IL	Israel	MX	Malawi	UG	Uganda
BY	Belarus	IS	Iceland	MY	Mexico	US	United States of America
CA	Canada	IT	Italy	NE	Niger	UZ	Uzbekistan
CF	Central African Republic	JP	Japan	NL	Netherlands	VN	Viet Nam
CG	Congo	KE	Kenya	NO	Norway	YU	Yugoslavia
CH	Switzerland	KG	Kyrgyzstan	NZ	New Zealand	ZW	Zimbabwe
CI	Côte d'Ivoire	KP	Democratic People's Republic of Korea	PL	Poland		
CM	Cameroon	KR	Republic of Korea	PT	Portugal		
CN	China	KZ	Kazakhstan	RO	Romania		
CU	Cuba	LC	Saint Lucia	RU	Russian Federation		
CZ	Czech Republic	LI	Liechtenstein	SD	Sudan		
DE	Germany	LK	Sri Lanka	SE	Sweden		
DK	Denmark	LR	Liberia	SG	Singapore		
EE	Estonia						

POLYESTERAMIDE, ITS PREPARATION AND
SURGICAL DEVICES FABRICATED THEREFROM

5

TECHNICAL FIELD

An absorbable polyesteramide, its preparation and absorbable surgical devices fabricated therefrom such as monofilament and multifilament sutures, films, sheets, plates, clips, staples, pins, screws, and the like are described herein.

BACKGROUND

Polyesteramides are polymers containing both ester linkages and amide linkages. Their significance for technology of surgical devices stems from the fact that the susceptibility of their ester linkages to hydrolysis confers upon them the ability to be eventually absorbed, or resorbed by a body into which they have been implanted and their amide linkages confer upon them the desirable mechanical properties characteristic of polyamides.

Fiber-forming polyesteramides obtained from the single stage reaction of approximately equimolar amounts of a monoalkanolamine and a dicarboxylic acid are known from U.S. Patent No. 2,386,454. Polyesteramides indicated to be useful for the manufacture of absorbable sutures and other surgical devices are disclosed in U.S. Patent No. 4,226,243 as obtained from the reaction of a bis-oxyamidodiol (itself derived from the reaction of diethyl oxalate with a monoalkanolamine such as ethanolamine) with a dicarboxylic acid ester. U.S. Patent No 4,343,931 discloses absorbable surgical devices manufactured from polyesteramides obtained by reacting a diamide with lactic or glycolic acid to produce a diamidediol, which is then reacted with a bischloroformate or a compound selected from the group

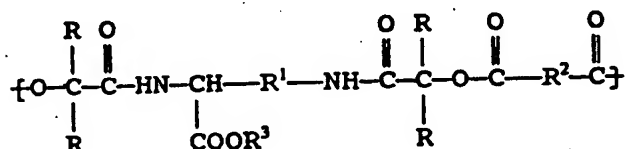
consisting of dicarboxylic acids, diacidchlorides and dicarboxylic acid anhydrides.

Nylon refers to a family of high strength, resilient synthetic materials, the long chain molecules of which contain recurring amide groups. Articles made from Nylon have been widely accepted for a variety of applications. Certain surgical applications, however, require a surgical device that is bioabsorbable. Nylon is not bioabsorbable and is therefore unacceptable in such circumstances.

It would be desirable to provide a surgical device material that has strength and resiliency characteristics equivalent to those of nylon, but which is bioabsorbable.

15 SUMMARY

A biodegradable polyesteramide is provided having units of the following formula:



in which R is hydrogen, methyl or ethyl;

R¹ and R² may be identical or different and are selected from the group consisting of linear alkyl, branched alkyl, linear alkylene, branched alkylene, oxa-alkylene, cycloalkylene and arylene; and

R³ may be hydrogen, linear or branched alkyl, or linear or branched alkylene.

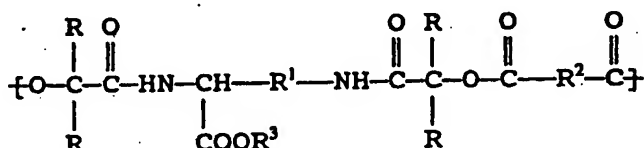
A method of making biodegradable polyesteramide is provided which includes reacting an amino alkyl ester with alpha hydroxy acid to form diamide-diol and reacting diamide-diol with acyl halide to form the polyesteramide.

A surgical implant including a biocompatible polyesteramide is also provided.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

The polyesteramide herein is biodegradable and in certain aspects biocompatible and suitable for use in medicine. Such polyesteramides combine the good mechanical properties of polyamides with the degradability of polyesters.

Polyesteramides in accordance with the present disclosure have the following formula:



in which R is hydrogen, methyl or ethyl;

R¹ and R² may be identical or different and are selected from the group consisting of linear alkyl, branched alkyl, linear alkylene, branched alkylene, oxa-alkylene, cycloalkylene and arylene; and

R³ may be hydrogen, linear or branched alkyl, or linear or branched alkylene.

To obtain such polyesteramide, diamino alkyl ester is reacted with alpha hydroxy acid in the presence of suitable solvent and suitable acid such as aromatic sulfonic acid, an aliphatic acid and inorganic acid, at elevated temperatures to yield diamide-diol. The diamide-diol is converted into a bioabsorbable polymer by reaction with a diacyl halide or dicarboxylic acid.

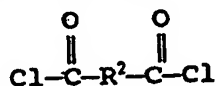
Suitable amino acid esters include lysine alkyl esters such as lysine methyl ester and lysine ethyl ester. Suitable hydroxyacids include glycolic acid and lactic acid. Suitable solvents include toluene, acetonitrile, methylene

chloride and chloroform. Aromatic sulfonic acids which may be used include p-toluene sulfonic acid. Aliphatic acids which may be used include acetic acid. Inorganic acids which may be used include hydrochloric acid and sulfuric acid.

A preferred method involves reacting about 1 mole of amino alkyl ester with about 2 moles of alpha hydroxy acid at a temperature of between about 100°C and about 150°C in toluene and about 1% to 5% by weight p-toluene sulfonic acid as a catalyst. Distillation may be used to remove excess water by-product.

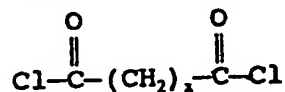
The resulting diamide-diol is dissolved in a solvent which is non-reactive with diacyl halides or dicarboxylic acid and which has a boiling point of about 100°C or higher. Suitable solvents include toluene, xylene or chlorobenzene. The diamide-diol can be refluxed at elevated temperatures with equimolar amounts of diacyl halide or dicarboxylic acid. Reflux temperatures may range from about 100°C to about 150°C. Chlorobenzene is a preferred solvent.

Preferred diacyl halides are diacyl chlorides of the following formula



wherein R² is selected from the group consisting of linear alkyl, branched alkyl, linear alkylene, branched alkylene, oxa-alkylene, cycloalkylene and arylene.

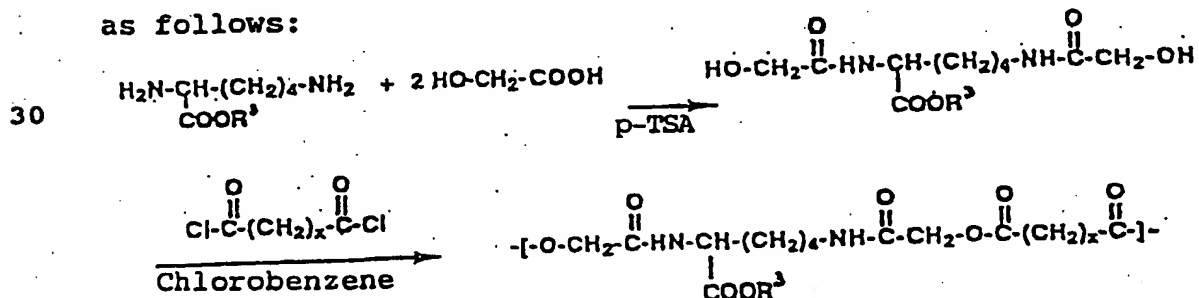
In a preferred aspect, diacyl chloride of the following formula is utilized:



wherein X is a number ranging from 0 to 10.

Also suitable for use in place of diacyl halide are diacid dimethyl or diethyl esters of dicarboxylic acid. Dicarboxylic acids herein include methyl and ethyl esters thereof and acid chlorides and anhydrides thereof. Examples include, but are not limited to oxalic acid; malonic acid; succinic acid; 2,3-dimethylsuccinic acid; glutaric acid; 3,3-dimethylglutaric acid; 3-methyladipic acid; adipic acid; pimelic acid; suberic acid; azelaic acid; sebacic acid; 1,9-nonanedicarboxylic acid; 1,10-decanedicarboxylic acid; 1,11-undecanedicarboxylic acid; 1,12-dodecanedicarboxylic acid, 1,13-tridecanedicarboxylic acid; 1,14-tetradecanedicarboxylic acid; 1,15-pentadecanedicarboxylic acid; 1,16-hexadecanedicarboxylic acid; maleic acid; trans- β -hydromuconic acid; fumaric acid; diglycolic acid; 3,3'-oxydipropionic acid; 4,4'-oxydibutyric acid; 4,5'-oxydivaleric acid; 6,6'-oxydicaproic acid; 8,8'-oxydicaprylic acid; 6-oxaundecanedioic acid; 5-oxaazelaic acid; 5-oxadodecanedioic acid; 5-oxatetradecanedioic acid; 5-oxahexadecanedioic acid; 6-oxadodecanedioic acid; 6-oxatridecanedioic acid; 6-oxapentadecanedioic acid; 6-oxaheptadecanedioic acid; 7-oxapentadecanedioic acid; 10-oxanonadecanedioic acid and other oxa-aliphatic dicarboxylic acids; phthalic acid; isophthalic acid; tetrphthalic acid and other aromatic dicarboxylic acids; 1,2-cyclobutanedicarboxylic acid; and 1,4-cyclohexanedicarboxylic acid.

In a preferred aspect, the reaction may be illustrated as follows:



wherein R^3 is CH_3 or CH_2CH_3 , and X is a number ranging from 0 to 10.

The degradable polyesteramide herein is suitable for use in a wide variety of applications. Since the degradation products of the biocompatible polymer herein are non-toxic, it is suitable for biomedical uses. For example, depending on the number of ester linkages in the polymeric chain, the polymer can be made to degrade slowly and can thus be utilized for fabricating long term implantable surgical materials. Examples of implants include prosthetic devices, sutures, staples, clips and other fasteners, screws, pins, films, meshes, drug delivery devices, anastomosis rings, surgical dressings and the like. The polyesteramides herein may also be used to fabricate degradable containers and packaging materials which can degrade in landfills in contrast to nondegradable materials which present environmental concerns.

Optional additives which may be present in compositions made from the polyesteramides described herein include plasticizers, release agents and other processing aids. Where the composition is used to make a surgical device, stearic acid or calcium stearate are particularly useful additives due to their biocompatibility.

The polyesteramides can be formed into surgical articles using any known technique, such as, for example, extrusion, molding and/or solvent casting. The polyesteramides can be used alone; blended with other absorbable compositions, or in combination with non-absorbable components. As mentioned above, a wide variety of surgical articles can be manufactured from the polyesteramides described herein. Fibers made from the present polyesteramides can be knitted or woven with other fibers, either absorbable or nonabsorbable to form meshes or fabrics. Compositions including these polyesteramides can

also be used as an absorbable coating for surgical devices.

In an alternative embodiment, the polyesteramides described herein are admixed with a filler. The filler can be in any particulate form, including granulate and staple fibers. While any known filler may be used, hydroxyapatite, tricalcium phosphate, bioglass or other bioceramics are the preferred fillers. Normally, from about 10 grams to about 400 grams of filler are mixed with 100 grams of polymer. The filled, cross-linked polymers are useful, for example, as a molding composition.

In another aspect, compositions containing the polyester amides described herein can be used to make reinforced composites. Thus, for example, the polyesteramide composition can form the matrix of the composite and can be reinforced with bioabsorbable or non-absorbable fibers or particles. Alternatively, a matrix of any bioabsorbable or non-bioabsorbable polymer composition can be reinforced with fibers or particulate material made from compositions containing the polyesteramides described herein.

It is further contemplated that one or more medico-surgically useful substances can be incorporated into compositions containing the polyesteramides described herein. Examples of such medico-surgically useful substances include, for example, those which accelerate or beneficially modify the healing process when particles are applied to a surgical repair site. So, for example, articles made from compositions containing the present polyesteramides can carry a therapeutic agent which will be deposited at the repair site. The therapeutic agent can be chosen for its antimicrobial properties, capability for promoting repair or reconstruction and/or new tissue growth. Antimicrobial agents such as broad spectrum antibiotic (gentamycin sulfate, erythromycin or derivatized

glycopeptides) which are slowly released into the tissue can be applied in this manner to aid in combating clinical and sub-clinical infections in a tissue repair site. To promote repair and/or tissue growth, one or several growth promoting factors can be introduced into the articles, e.g., fibroblast growth factor, bone growth factor, epidermal growth factor, platelet derived growth factor, macrophage derived growth factor, alveolar derived growth factor, monocyte derived growth factor, magainin, and so forth. Some therapeutic indications are: glycerol with tissue or kidney plasminogen activator to cause thrombosis, superoxide dimutase to scavenge tissue damaging free radicals, tumor necrosis factor for cancer therapy or colony stimulating factor and interferon, interleukin-2 or other lymphokine to enhance the immune system. It is also contemplated that medico-surgically useful substances can include non-therapeutic agents such as dyes, which typically do not exert biological activity per se.

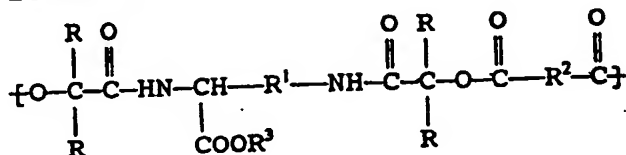
It is contemplated that it may be desirable to dye articles made from compositions containing the present polyesteramides in order to increase visibility of the article in the surgical field. Dyes, such as those known to be suitable for incorporation in sutures, can be used. Such dyes include but are not limited to carbon black, bone black, D&C Green No. 6, and D&C Violet No. 2 as described in the handbook of U.S. Colorants for Food, Drugs and Cosmetics by Daniel M. Marrion (1979). Preferably, sutures in accordance with this disclosure are dyed by adding up to about a few percent and preferably about 0.2% dye to the resin composition prior to extrusion.

It will be understood that various modifications may be made to the embodiments disclosed herein. Therefore the above description should not be construed as limiting, but merely as exemplifications of preferred embodiments. Those

skilled in the art will envision other modifications within the scope and spirit of the claims appended hereto.

WHAT IS CLAIMED IS:

1. A polymer comprising polyesteramide units of the following formula:

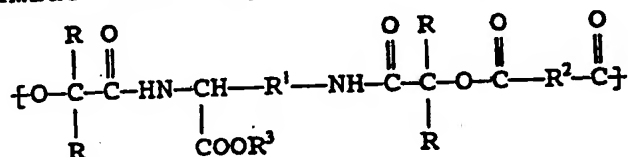


wherein R is selected from the group consisting of hydrogen, methyl and ethyl;

R¹ and R² may be identical or different, and are selected from the group consisting of linear alkyl, branched alkyl, linear alkylene, branched alkylene, oxa-alkylene, cycloalkylene and arylene; and

R³ is selected from the group consisting of hydrogen, linear alkyl, branched alkyl, linear alkylene, and branched alkylene.

2. A surgical implant comprising a biocompatible polyesteramide including units of the following formula:



wherein R is selected from the group consisting of hydrogen, methyl and ethyl;

R¹ and R² may be identical or different, and are selected from the group consisting of linear alkyl, branched alkyl, linear alkylene, branched alkylene, oxa-alkylene, cycloalkylene and arylene; and

R³ is selected from the group consisting of hydrogen, linear alkyl, branched alkyl, linear alkylene and branched alkylene.

3. A surgical implant according to claim 2 wherein the implant is bioabsorbable.

4. A surgical implant according to claim 2 wherein the implant is selected from the group consisting of suture, staple, clip, screws, pin, film, sheet, mesh, drug delivery device and prosthetic device.

5. A method of making a degradable polyesteramide comprising:

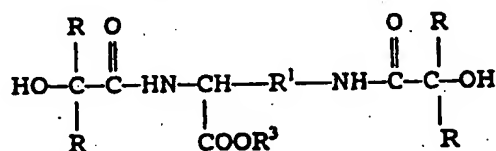
reacting amino alkyl ester with alphahydroxy acid to form diamide-diol; and

reacting diamide-diol with diacyl-halide or dicarboxylic acid to form polyesteramide.

6. A method of making a biodegradable polyesteramide according to claim 5 wherein amino alkyl ester is lysine alkyl ester.

7. A method of making a biodegradable polyesteramide according to claim 5 wherein the alphahydroxy acid is selected from the group consisting of glycolic acid and lactic acid.

8. A method of making a biodegradable polyesteramide according to claim 5 wherein the diamide-diol includes the following structure:



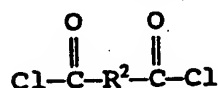
wherein R is selected from the group consisting of hydrogen, methyl and ethyl;

R¹ is selected from the group consisting of linear alkyl, branched alkyl, linear alkylene, branched alkylene, oxa-alkylene, cycloalkylene and arylene; and

R³ is selected from the group consisting of hydrogen, linear alkyl, branched alkyl, linear alkylene and branched alkylene.

9. A method of making a biodegradable polyesteramide according to claim 5 wherein the diacyl halide is diacyl chloride.

10. A method of making a biodegradable polyesteramide according to claim 9 wherein the diacyl chloride has the following structure:



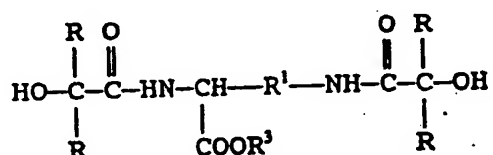
wherein R^2 is selected from the group consisting of linear alkyl, branched alkyl, linear alkylene, branched alkylene, oxa-alkylene, cycloalkylene and arylene.

11. A biodegradable polyesteramide manufactured by reacting lysine alkyl ester with alpha hydroxy acid to form diamide-diol and reacting diamide-diol with diacyl halide to form polyesteramide.

12. A biodegradable polyesteramide according to claim 11 wherein amino alkyl ester is lysine alkyl ester.

13. A biodegradable polyesteramide according to claim 11 wherein the alphahydroxy acid is selected from the group consisting of glycolic acid and lactic acid.

14. A biodegradable polyesteramide according to claim 11 wherein the diamide-diol includes the following structure:



wherein R is selected from the group consisting of hydrogen, methyl and ethyl;

R^1 is selected from the group consisting of linear alkyl, branched alkyl, linear alkylene, branched alkylene, oxa-alkylene, cycloalkylene and arylene; and

R³ is selected from the group consisting of hydrogen, linear alkyl, branched alkyl linear alkylene and branched alkylene.

15. A biodegradable polyesteramide according to claim 5 11 wherein the diacyl halide is diacyl chloride.

16. A biodegradable polyesteramide according to claim 15 wherein the diacyl chloride has the following structure:



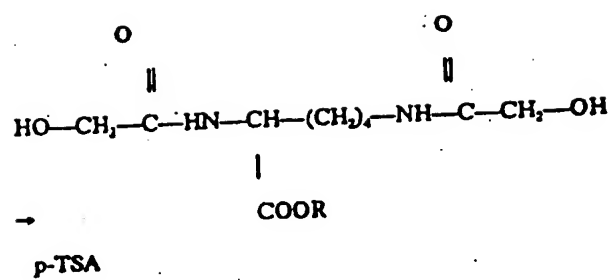
wherein R² is selected from the group consisting of linear alkyl, branched alkyl, linear alkylene, branched alkylene, oxa-alkylene, cycloalkylene and arylene.

1/1

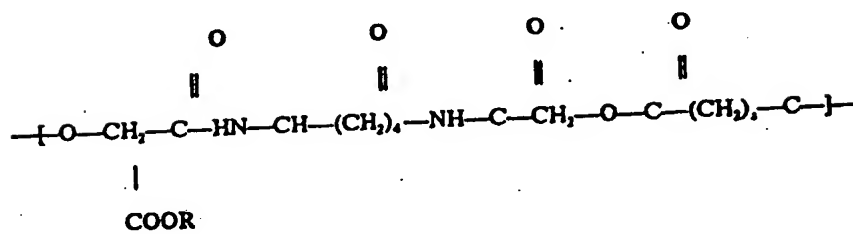
5

10

15



20



25

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US98/01676

A. CLASSIFICATION OF SUBJECT MATTER

IPC(6) : A61F 2/00, 2/02; C08G 69/14, 69/44

US CL : 523/113, 115; 528/328, 372; 525/420; 424/426; 623/11

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 523/113, 115; 528/328, 372; 525/420; 424/426; 623/11

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

Please See Extra Sheet.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,505,952 A (JIANG ET AL) 09 April 1996 (09-04-96), abstract, column 2, line 50 to column 3, line 44.	5-10
Y	US 4,343,931 A (BARROWS) 10 August 1982 (10-08-82), abstract, column 1, line 57 to column 2, line 16, column 3, lines 1-40, column 4, lines 1-40.	1-16
A	US 5,324,519 A (DUNN ET AL) 28 June 1994 (28-06-94), abstract, column 2, lines 36-50, column 4, lines 64-69, column 9, lines 50-65.	1-16

☐ Further documents are listed in the continuation of Box C.
 ☐ See patent family annex.

* Special categories of cited documents:	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
A document defining the general state of the art which is not considered to be of particular relevance	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
E earlier document published on or after the international filing date	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*A* document member of the same patent family
O document referring to an oral disclosure, use, exhibition or other means	
P document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

17 APRIL 1998

Date of mailing of the international search report

05 MAY 1998

 Name and mailing address of the ISA/US
 Commissioner of Patents and Trademarks
 Box PCT
 Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

ANDREW E.C. MERRIAM

Telephone No. (703) 308-2351

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US98/01676

B. FIELDS SEARCHED

Electronic data bases consulted (Name of data base and where practicable terms used):

APS

search terms: polyesteramide, amino acid, diamino acid, lysine, ornithine, arginine, desmosine, glycolic, lactic, lactone, lactide, glycolide, hydroxyacid, hydroxycarboxylic, acyl chloride, acyl halide, acid halide, acid chloride

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☒ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☒ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☒ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.

THIS PAGE BLANK (USPTO)